



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: April 22, 2008

Department: Zoning, Building, Planning **Staff Contact:** Adella Gallegos, Assoc. Prog. Planner

TITLE: APPEAL: Special Use Permit to allow an extension of the telecommunications tower 65 feet to 75 feet (CO-80006/CSU-60008)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

SUMMARY:

At the February 26, 2008 public hearing, the Board of County Commissioners deferred the appeal to April 22, 2008 in order to allow the applicant and agent an opportunity to do the following: (1) have the owner of the telecommunications tower present at the hearing; and, (2) to respond to Resolution 116-86 and the County Planning Commission's Findings 3 and 4 pertaining to Zoning Ordinance Section 22.5.A.11, Criteria for Concealed Wireless Telecommunications Facilities.

At the January 9, 2008 public hearing, the County Planning Commission (CPC) voted 4-0 (Commissioners Beserra & McMahon excused, Commissioner Sanchez abstained) to recommend denial of an amendment to the Special Use Permit to allow an extension of the telecommunication tower from 65 feet to 75 feet on Tract A, MRGCD Map 56, located at 6301 Coors Boulevard SW, on the east side of Coors between Raymac Road and Cottonwood Lane, zoned A-1 with a Special Use Permit for General Store and Restaurant, containing approximately .57 acres. The decision was based on the following four (4) Findings (Attachment 2).

The County Planning Commission (CPC) determined a freestanding wireless telecommunications facility is not allowed within a designated view corridor as described by Section 22.5 of the Bernalillo County Zoning Ordinance ("Code") and that the request does not meet the criteria for a concealed wireless telecommunications facility as required by Section 22.5.A.11 of the Bernalillo County Zoning Code ("Code").

The appellant contends that (1) the existing tower was built prior to adoption of the Code and would therefore be excluded from the Code requirements; 2) the request for a ten (10) foot height extension of an existing telecommunications facility would be consistent with the current commercial and allowed uses on the property which have not adversely affected the health, safety and general welfare of the residents in the area; and, (3) that allowing the proposed request would be advantageous to the community in providing E911 services, improved cell phone coverage and ameliorating the need for another telecommunications facility tower in the area.

The criteria for considering zone map changes and special use permit applications require that the applicant demonstrate that the existing zoning is inappropriate because (1) there was an error when the existing zone map pattern was created, or (2) changed neighborhood or community conditions justify the land use change, or (3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other land use plan adopted by the Board of County Commissioners even though (1) or (2) do not apply.

ATTACHMENTS:

1. Appeal Applicant Dated January 30, 2008
2. County Planning Commission Notice of Decision Letter (January 14, 2008)
3. County Planning Commission Information Packet
4. County Planning Commission Minutes (January 9, 2008)
5. County Planning Commission Minutes (October 3, 2007)
6. Site Plan Dated November 19, 2007 (Commissioners Only)

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff Recommends Denial of the Appeal

VERSION 5.0